IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELALTE JURISDICTION

FIRST APPEAL NO.1390 OF 2003
IN
B.C.C.C. SUIT NO. 11 OF 2002

Yusuf Vali Mohammed Bilakhya .. Appellant

V/s.

Budhiya Vesta Patel & Ors. .. Respondents

Mr.Adv.Mohan Jaykar i/b. M/s.Khaitan & Jaykar for Appellant.
Mr.Aditya Khandeparkar for Respondent No.1.
Ms.Leena Sawant for Respondent Nos.2 to 7.
Mr.Godbole for Respondent Nos. 8 & 9.
Mr.Hasan Shaikh S.O. of Court Receiver.

CORAM : DR.S.RADHAKRISHNAN,J.

DATE : 13TH JUNE, 2006.

P.C.:

1. Heard the learned Counsel for the Appellant and the learned Counsel for the Respondent Nos.1, 1A to 1D and 8 & 9. The learned Counsel for the Appellant and the learned Counsel for the Respondents submitted that the Respondent Nos.10 to 45 be deleted as they all are only occupants of the various structures. Respondent Nos.10 to 45 stand deleted. On the application of the learned Counsel for the Appellant, Respondent Nos.2 to 7 also stand deleted. The learned Counsel for the Appellant tenders the consent terms between the Appellant and Respondent Nos.1A to 1D and 8 & 9 duly signed by Appellant, Respondent Nos.1A to 1D and Respondent Nos.8 & 9 and

their respective Advocates. All the learned Counsel categorically state that the present consent terms will not prejudice to the Respondents who have been deleted. The said consent terms is taken on record and marked as ‘X’ for identification. The learned Counsel for the Appellant submits that in view of the settlement arrived at between the parties, the learned Counsel for the Respondents seeks leave to withdraw the Appeal. Hence, the Appeal is allowed to be withdrawn and dismissed as such. The undertakings given in the consent terms are accepted.

2. The Court Receiver’s representative is present in the Court. The Court Receiver stands discharged without passing accounts and he shall handover the possession to Respondent No.9 forthwith.

(DR.S.RADHAKRISHNAN,J.)